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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,584	10/09/2003	Yung Chang Liang	TRNDP015	7721

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EXAMINER	
NGUYEN, KHOI	
ART UNIT	**PAPER NUMBER**
2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/683,584	LIANG, YUNG CHANG	
	Examiner	Art Unit	
	Khoi Nguyen	2196	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/09/03*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/01/05 and 4/11/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objection

1. Claim 2 recites the limitation "the virus" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

2. The following is a quotation of the 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. With regard to claims 10-18, the claims are directed to software product per se without being stored in a computer readable medium, which constitutes non-statutory subject matter.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. With regard to claim 2, the phrase "the virus" in line 1 is not clearly understood that it is referring to the selected computer virus or any other computer virus; thus rendering the corresponding claims vague and indefinite. For the purpose of examination, the phrase "the virus" in line 1 of claim 2 would be treated as the "selected computer virus".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al. ("Anatomy of a Commercial-Grade Immune System, IBM Research White Paper, 1999, http://www.research.ibm.com/antivirus/SciPapers/White/Anatomy/Anatomy.PDF), hereafter "White".

10. With regard to claim 1, White discloses a distributed network having a number of server computers and associated client devices (Fig. 2), method of creating an anti-computer virus agent, comprising:

parsing a selected computer virus (section "Immune System architectural overview" page 10, paragraph 1, lines 3-4, analyze a new or previously unknown virus reads on parsing a selected computer virus); and based upon the parsing (section "Virus Analysis" page 13, lines 1-3, use the result of this analysis reads on based upon the parsing).

modifying the parsed virus (section "Virus Analysis", page 13, lines 1-3, create a test and cure for the new virus reads on modifying the parsed virus) to repair those client devices infected by the selected virus (section "Cure Distribution", page 13, lines 1-4).

11. With regard to claims 3 and 12, White further discloses the detection module identifies a selected one of the client devices as a target client device (section "Cure Distribution", page 13, first paragraph, lines 1-2, update is returned to the client that reported the initial infection or other devices in the system).

12. With regard to claim 10, White discloses a computer program product (section "download floods", page 8, line4, anti-virus software reads on computer code) for creating an anti-computer virus agent, comprising:

computer code (section "download floods", page 8, line4, anti-virus software reads on computer code) for parsing a selected computer virus (section "Immune System architectural overview" page 10, paragraph 1, lines 3-4, analyze a new or previously unknown virus reads on parsing a selected computer virus); and based upon the parsing (section "Virus Analysis" page 13, lines 1-3, use the result of this analysis reads on based upon the parsing)..

computer code (section "download floods", page 8, line4, anti-virus software reads on computer code) modifying the parsed virus (section "Virus Analysis", page 13, lines 1-3, create a test and cure for the new virus reads on modifying the parsed virus) to repair those client devices infected by the selected virus (section "Cure Distribution", page 13, lines 1-4).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 2, 4-6, 11, and 13-15 are rejected under 35 USC 103(a) as being unpatentable over White and in view of Cass ("Anatomy of Malice", Spectrum IEEE, Nov. 2001, vol. 35, issue 11, pages: 56-60), hereafter "Cass".

15. With regard to claims 2 and 11, White does not disclose the virus is formed of a detection module, an infection module, and a viral code payload module.

However, Cass discloses the virus is formed of a detection module (section "Under the Skin", paragraph 10, lines 6-7), an infection module (section "Under the Skin", paragraph 6, lines 1-3), and a viral code payload module (section "Under the Skin", paragraph 8, lines 3-6).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White and teaching of Cass to provide an effective defenses by understand the cause and mechanism of infection (Cass, page 56, paragraph 5, lines 1-3).

16. With regard to claims 4 and 13, White discloses those infected target client devices (section "Virus Detection", page 11, second paragraph, lines 1-2) but White does not disclose the infection module causes the virus to infect those target client devices not infected by the selected virus.

However, Cass discloses the infection module causes the virus to infect (section "Under the skin", page 57, paragraph 6, lines 1-3, invaded Word's default template reads on virus to infect) those target client devices not infected by the selected virus (section "Under the skin", page 58, paragraph 10, lines 2-4).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White and teaching of Cass to provide an effective defenses by understand the cause and mechanism of infection (Cass, page 56, paragraph 5, lines 1-3).

17. With regard to claims 5 and 14, White does not disclose the viral code payload module includes viral code that infects the targeted client device.

However, Cass discloses the viral code payload module includes viral code that infects the targeted client device (section "Source of Mischief", page 59, last section with component "Payload", section "Under the skin", page 58, paragraph 8, lines 3-6).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White and teaching of Cass to provide an effective defenses by understand the cause and mechanism of infection (Cass, page 56, paragraph 5, lines 1-3).

18. With regard to claims 6 and 15, White does not disclose modifying the infection module to infect those computers already infected by the selected virus.

However, Cass discloses the modifying the infection module (section "Under the Skin, page 57, paragraph 7, lines 1-4, "triggering Melissa which copied itself..." reads on modifying the infection module) to infect those computers already infected by the selected virus (section "Evolution of a sickness", page 56, paragraph 4, lines 6-8).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White and teaching of Cass to provide an effective defenses by understand the cause and mechanism of infection (Cass, page 56, paragraph 5, lines 1-3).

19. Claims 7-9, and 16-18 are rejected under 35 USC 103(a) as being unpatentable over White, in view of Cass, and further in view of Maher, III et al. (US. Pat. No. 6910134), hereafter "Maher".

20. With regard to claims 7 and 16, neither White nor Cass discloses incorporating inoculation viral code in the payload module that acts to prevent further infection by the selected virus.

Maher, on the other hand disclose incorporating inoculation viral code in the payload module (col. 10, lines 52-55, modifying bits of data packets reads on inoculation viral code in the payload module) that acts to prevent further infection by the selected virus (col. 10, lines 65-67).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White, Cass and teaching of Maher to scan network traffic at wire speeds, recognized emails potentially infected with viruses, and inoculate any attachment such that any virus in the attachment is destroyed (Maher, col. 1, lines 40-42).

21. With regard to claims 8 and 17, White discloses a repair viral code for the infected client device caused by the selected virus (section "Cure Distribution", page 13, paragraph 1, virus definition reads on repair viral code, and update returned to client that reported the initial infection reads on infected client) but does not disclose the payload module.

On the other hand, Cass discloses a payload module (section "Under the skin", page 58, paragraph 8, lines 3-6).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White and teaching of Cass to provide an effective defenses by understand the cause and mechanism of infection (Cass, page 56, paragraph 5, lines 1-3).

However, neither White nor Cass discloses incorporating repair viral code in the payload module that acts to repair any damage in the infected client device caused by the selected virus.

Maher, however, discloses incorporating repair viral code in the payload module (col. 10, lines 52-53, changing bits in the data packets reads on incorporating repair viral code in the payload) that acts to repair any damage in the infected client device caused by the selected virus (col. 10, lines 65-67, attachment will be unreadable reads on repair any damage in the infected client).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White, Cass and teaching of Maher to scan network traffic at wire speeds, recognized emails potentially infected with viruses, and inoculate any attachment such that any virus in the attachment is destroyed (Maher, col. 1, lines 40-42).

22. With regard to claims 9 and 18, White discloses forming the anti-viral agent (section "Immune System Architectural Overview", page 10, paragraph one, lines 3-4) but does not disclose by combining the detection module, the modified infection module and the modified viral payload module.

Cass, on the other hand, discloses combining the detection module (section "Source of Mischief", page 59, second section, component "check whether computer is already infected by Mellisa", reads on detection module), the modified infection module (section "Under the Skin, page 57, paragraph 7, lines 1-4, "triggering Melissa which copied itself..." reads on modifying the infection module), and the viral payload module (section "Source of Mischief", page 59, third section, component "Payload").

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White and teaching of Cass to provide an effective defenses by understand the cause and mechanism of infection (Cass, page 56, paragraph 5, lines 1-3).

However, neither White nor Cass discloses the modified viral payload module. On the other hand, Maher discloses the modified payload module (col. 10, lines 52-57, changing the bits of an attachment to render the attachment harmless reads on modified payload).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to combine the teachings of White, Cass and teaching of Maher to scan network traffic at wire speeds, recognized emails potentially infected with viruses, and inoculate any attachment such that any virus in the attachment is destroyed (Maher, col. 1, lines 40-42).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US. Pat. No. 5485575 to Chess et al. (Discloses extracting, sampling, and analyzing how computer virus attaches to a host program.)

b. US. PGPub. No. 2004/0148281 to Bates et al. (Discloses virus checking database which use part of virus status information as searching criteria).

c. US. Pat. No. 5832208 to Chen et al. (Discloses agent for detecting and removing e-mail attachment that infected with virus).

d. Vesselin Bontchev,, Are "Good" Computer Viruses Still a Bad Ideas?, Proceeding EICAR 1994 Conference, Pages: 25-47.

e. Stephanie Forrest et al., "Computer Immunology", Communications of the ACM, October 1997, Vol. 40. No. 10. pages: 88-96.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi Nguyen whose telephone number is 570-270-1251. The examiner can normally be reached on M-Fri (7:30-5:00) Fri (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil E. El Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KN
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PRIMARY PATENT EXAMINER